

No.15/1/2017-Trans.(Part-3)
Ministry of Power
(Trans. Desk)
Shram Shakti Bhawan, Rafi Marg,

New Delhi, Dated: 05.11.2020.

To,

1. Power/ Energy Secretaries of all State Governments/ UTs.
2. Chairperson, CEA, New Delhi.


Sub: Amendment in "Equity lock-in period" as mentioned in the Standard Bidding Documents (SBDs) for selection of Transmission Service Provider (TSP) through Tariff Based Competitive Bidding Process to establish Inter State Transmission System Projects- reg.

Madam/Sir,

I am directed to say that the issue of "Equity lock-in period" of the selected bidder in the existing Standard Bidding Documents (SBDs) for selection of Transmission Service Provider through Tariff Based Competitive Bidding Process to establish Inter State Transmission System Projects has been examined in the Ministry and to say that Equity Lock-in period in the SBDs viz. Request for Proposal (RfP) and Transmission Service Agreement (TSA) shall stand amended as per Annexure.

2. This issues with the approval of the Hon'ble Minister of State (I/C) for Power, NRE and MoS for Skill Development and Entrepreneurship.

Yours faithfully,



(Sanjeev Jain)

Under Secretary to the Govt. of India

TeleFax: 011-23325242

Email: transdesk-mop@nic.in

Copy to:

1. CMD, POWERGRID, Gurugram.
2. CEO, RECTPCL, New Delhi.
3. CEO, PFCCL, New Delhi.
4. Technical Director, NIC-MoP- for uploading this letter on MoP website.

Annexure

A) Amendments in the Request for Proposal (RFP) for selection of Transmission Service Provider through Tariff Based Competitive Bidding Process to establish Inter State Transmission System Projects

Sl. No.	Clause No.	Existing Provision	Amended Provision
1	2.5.8.1(a)	<p>The aggregate equity share holding of the Selected Bidder, in the issued and paid up equity share capital of _____ [Insert Name of SPV] shall not be less than the following:</p> <ul style="list-style-type: none"> i. Fifty-one percent (51%) up to a period of (2) two years after COD of the Project; and ii. Twenty six percent (26%) for a period of three (3) years thereafter. 	<p>The aggregate equity share holding of the Selected Bidder, in the issued and paid up equity share capital of _____ [Insert Name of SPV] shall not be less than Fifty one percent (51%) up to a period of (1) one year after COD of the Project;</p>
2	2.5.8.1 (b)	<p>In case the Selected Bidder is a Bidding Consortium, then any Member (other than the Lead Member) of such Bidding Consortium shall be allowed to divest its equity as long as the other remaining Members (which shall always include the Lead Member) hold the minimum equity specified in (i) and (ii) above.</p>	<p>In case the Selected Bidder is a Bidding Consortium, then any Member (other than the Lead Member) of such Bidding Consortium shall be allowed to divest its equity as long as the other remaining Members (which shall always include the Lead Member) hold the minimum equity specified in clause 2.5.8.1 (a) above.</p>
3	2.5.8.1 (c)	<p>If equity is held by the Affiliates, Parent Company or Ultimate Parent Company, then subject to the second proviso of this Clause 2.5.8.1 (c), such Affiliate, Parent Company or Ultimate Parent Company shall be permitted to transfer its shareholding in _____ [Insert name of SPV] to another Affiliate or to the Parent Company/ Ultimate Parent Company. If any such shareholding entity, qualifying as an Affiliate / Parent Company / Ultimate Parent Company, is</p>	<p>If equity is held by the Affiliates, Parent Company or Ultimate Parent Company, then subject to the second proviso of this Clause 2.5.8.1 (c), such Affiliate, Parent Company or Ultimate Parent Company shall be permitted to transfer its shareholding in _____ [Insert name of SPV] to another Affiliate or to the Parent Company/ Ultimate Parent Company. If any such shareholding entity, qualifying as an Affiliate / Parent Company / Ultimate Parent Company, is likely to cease to meet the criteria to qualify as an Affiliate /</p>

	<p>likely to cease to meet the criteria to qualify as an Affiliate / Parent Company / Ultimate Parent Company, the shares held by such entity shall be transferred to another Affiliate / Parent Company / Ultimate Parent Company.</p> <p>Provided that in case the Lead Member or Bidding Company is holding equity through Affiliate/s, Ultimate Parent Company or Parent Company, such restriction shall apply to such entities.</p> <p>Provided further, that the aggregate equity share holding of the Bidding Consortium or a Bidding Company in the issued and paid up equity share capital of _____ [Insert Name of the SPV] shall not be less than fifty one percent (51%) up to a period of one (1) year after COD of the Project and the lead Member of the Consortium shall have the equity share holding not less than twenty six percent (26%). The Lead Member shall continue to hold equity of at least twenty six percent (26%) up to a period of one (1) year after COD of the Project. In case the Selected Bidder is a Bidding Consortium, then any Member (other than the Lead Member) of such Bidding Consortium shall be allowed to divest its equity as long as the other remaining Members (which shall always include the Lead Member) hold the minimum equity specified in (a)(i) and (a)(ii) above.</p>	<p>Parent Company / Ultimate Parent Company, the shares held by such entity shall be transferred to another Affiliate / Parent Company / Ultimate Parent Company.</p> <p>Provided that in case the Lead Member or Bidding Company is holding equity through Affiliate/s, Ultimate Parent Company or Parent Company, such restriction shall apply to such entities.</p> <p>Provided further, that the aggregate equity share holding of the Bidding Consortium or a Bidding Company in the issued and paid up equity share capital of _____ [Insert Name of SPV] shall not be less than fifty one percent (51%) up to a period of one (1) year after COD of the Project and the lead Member of the Consortium shall have the equity share holding not less than twenty six percent (26%). The Lead Member shall continue to hold equity of at least twenty six percent (26%) up to a period of one (1) year after COD of the Project. In case the Selected Bidder is a Bidding Consortium, then any Member (other than the Lead Member) of such Bidding Consortium shall be allowed to divest its equity as long as the other remaining Members (which shall always include the Lead Member) hold the minimum equity specified in clause 2.5.8.1 (a) above.</p>
--	--	---

B) Amendments in the Transmission Service Agreement (TSA) for procurement of Transmission Services for transmission of electricity through Tariff Based Competitive Bidding for Inter State Transmission System

Sl. No.	Clause No.	Existing Provision	Amended Provision
1	18.2.1	<p>The aggregate equity share holding of the Selected Bidder in the issued and paid up equity share capital of [Insert Name of the SPV] shall not be less than following:</p> <ul style="list-style-type: none"> a. Fifty-one percent (51%) up to a period of (2) two years after COD of the Project; and b. Twenty six percent (26%) for a period of three (3) years thereafter. <p>Provided that, in case the Lead Member or Bidding Company is holding equity through Affiliate/s, Ultimate Parent Company or Parent Company, such restriction as specified in (a) and (b) above shall apply to such entities.</p> <p>Provided further, that in case the Selected Bidder is a Bidding Consortium, the Lead Member shall continue to hold equity of at least twenty six percent (26%) upto a period of five (5) years after COD of the Project and any Member of such Bidding Consortium shall be allowed to divest its equity as long as the other remaining Members (which shall always include the Lead Member) hold the minimum equity specified in (a) and (b) above.</p>	<p>The aggregate equity share holding of the Selected Bidder in the issued and paid up equity share capital of [Insert Name of the SPV] shall not be less than Fifty-one percent (51%) up to a period of (1) one year after COD of the Project.</p> <p>Provided that, in case the Lead Member or Bidding Company is holding equity through Affiliate/s, Ultimate Parent Company or Parent Company, such restriction as specified above shall apply to such entities.</p> <p>Provided further, that in case the Selected Bidder is a Bidding Consortium, the Lead Member shall continue to hold equity of at least twenty six percent (26%) upto a period of one (1) year after COD of the Project and any Member of such Bidding Consortium shall be allowed to divest its equity as long as the other remaining Members (which shall always include the Lead Member) hold the minimum equity specified above.</p>